

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

David Allen Harbour,

Defendant.

No. CR-19-0898-PHX-DLR

ORDER

Due to the pandemic, undersigned has limited use of a courtroom through at least May, 2020, and the currently set hearing date does not fall on one of undersigned's assigned courtroom days. Therefore, the Court will continue the initial appearance and status hearing regarding Petition for Action on Conditions of Pretrial Release to a date and time that is convenient to counsel and the Defendant and also falls on one of undersigned's assigned court days.

The Pretrial Services Officer may appear telephonically at the reset hearing, consistent with Pretrial Services staff practice during the pandemic. Counsel for the Government, counsel for the Defendant, and the Defendant may appear telephonically if the Defendant consents to such after consultation with counsel and any circumstances pertaining to the pandemic, such as child care issues or health issues, make telephonic appearance appropriate. Regarding the appropriateness of telephonic appearance, undersigned respectfully requests that counsel and the Defendant keep in mind that undersigned is in a higher risk group regarding the pandemic. Based on informal

1 communications between counsel and court staff, undersigned is of the understanding that
2 counsel for both parties and the Defendant personally intend to appear telephonically at the
3 reset hearing due to the pandemic. Given such and because the Court lacks ability to
4 initiate the conference call, the Court will place the responsibility for planning and
5 initiating the conference call on counsel for the Defendant. If the Defendant and his
6 counsel decide to appear personally, the responsibility will fall on counsel for the United
7 States.

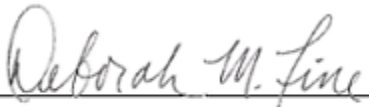
8 Accordingly,

9 **IT IS ORDERED** continuing the initial appearance and status hearing regarding
10 Petition for Action on Conditions of Pretrial Release from April 22, 2020, at 10:00 a.m. to
11 **May 12, 2020, at 11:00 a.m.**, courtroom 304, Sandra Day O'Connor U.S. Courthouse, 401
12 W. Washington St., Phoenix, Arizona.

13 **IT IS FURTHER ORDERED** that counsel for Defendant shall plan and initiate a
14 conference call for all of the telephonic appearances for the scheduled hearing; if counsel
15 for Defendant and Defendant intend to appear personally, then the responsibility shifts to
16 counsel for the Government.

17 The Court finds excludable delay under 18 U.S.C. § 3161(h)____ from ____ to
18 ____.

19 Dated this 9th day of April, 2020.

20
21 
22 _____
23 Honorable Deborah M. Fine
24 United States Magistrate Judge

25 cc: PTS
26
27
28